IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 412 of 2007(Y)

PETITIONER:

K.N.SAVITHRIKUTTIAMMA,
AGED 68 YEARS, W/O.LATE PRASADCHANDRAN NAIR,
MANAGING DIRECTOR,
AISWARYA TOURIST HOME (P), KOTTAYAM.

BY ADV. SRI.JOSEPH GEORGE

RESPONDENTS:
----

1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY,
VAIDYUTHI BHAVANAM, PATTOM P.O.,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SUB DIVISION, KOTTAYAM CENTRAL,
KOTTAYAM.

3. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, PATTOM, KOTTAYAM.

4. O.V.GEORGE, OMELIL HOUSE,
PERUMBAIKKAD, NATTASSERY, KOTTAYAM,
NOW RESIDING AT OMELIL HOUSE, VATTASSERIL LANE,
CHALAKUNNU P.O., KOTTAYAM.

BY SRI.JOSE J.MATHEIKEL, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO.412 OF 2007

Dated this the 4th day of January, 2007

J U D G M E N T

Petitioner, who is the owner of the building, is a consumer of electricity supplied by the Board. The building in question was rented out and while in the occupation of the tenant, it appears that theft was detected by the APTS and demands were raised for penal charges. It is also admitted that subsequently the tenant has vacated the premises and for the nonpayment of the penal bill, supply was disconnected. At that stage, petitioner approached this court by filing writ petition No.19216/06. This court permitted the petitioner to pay the amount in instalments leaving open his right to apply for waiver of interest by filing proper representation. The rights inter parte between the petitioner and his tenant was left open. Exhibit P4 is dated 21st July 2006. On payment of first instalment as directed in Exhibit P4, power was restored and he was continuing to pay subsequent instalments also. However, he was served with Exhibit P6 dated 19/12/2006 demanding a total amount of Rs.16,77,297/- which includes the interest due and payable on the penal bill as was earlier demanded in Exhibit P5 (corresponding to P4 in the earlier OP). However, the petitioner did not make any representation for waiver of

interest as directed in Exhibit P4 judgment until P6 was served on him. That is how Exhibit P6 demand included the interest also. Exhibit P6 also includes the normal monthly bill of an amount of Rs.1,28,191/- and the interest thereon, total of which comes to Rs.1,48,303/-. The petitioner has no dispute as regards the said normal dues and undertakes to pay the same within two days. Petitioner has now preferred Exhibit P7 representation before the Board seeking waiver of interest in the matter.

2. Having heard both sides, following directions are issued.

The 3rd respondent shall consider Exhibit P7 representation for waiver of interest as directed in Exhibit P4 judgment. Until then, further amount towards interest as per Exhibit P6 will stand stayed on condition that an amount of Rs.1,48,303/- towards the normal monthly bill and interest thereon is paid by the petitioner within two days on receipt of a copy of this judgment. If the petitioner pays the said amount of Rs.1,48,303/-, power may be restored forthwith.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE

Rp